

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ROSALIND HOLMES,
Plaintiff,

Case No. 1:20-cv-825
McFarland, J.
Litkovitz, M.J.

vs.

GEORGIA PACIFIC,
Defendant.

**REPORT AND
RECOMMENDATION**

This matter is before the Court on plaintiff Rosalind Holmes’s “Motion For 41(A) Voluntary Dismissal” (Doc. 32). In a prior Report and Recommendation, the undersigned recommended dismissal with prejudice of twenty-three counts (I-XXIII) of plaintiff’s first amended complaint (Doc. 9) and survival of plaintiff’s employment discrimination claim against defendant Georgia Pacific (count XXIV). (*See* Doc. 13 at PAGEID 1426). The District Court adopted this recommendation. (Doc. 18). Subsequently, plaintiff moved for and was granted leave to further amend her complaint. (*See* Docs. 20, 27-28). This amended complaint “supersede[d her] earlier complaint[s] for all purposes.” *In re Refrigerant Compressors Antitrust Litig.*, 731 F.3d 586, 589 (6th Cir. 2013) (citing *Pac. Bell Tel. Co. v. Linkline Commc’ns, Inc.*, 555 U.S. 438, 456 n.4 (2009)).

The motion before the Court requests voluntary dismissal of count XXIV of the now-superseded complaint (Doc. 9). Because plaintiff’s first amended complaint, which contains the relevant count XXIV, has been superseded by plaintiff’s second amended complaint, plaintiff’s motion to voluntarily dismiss count XXIV should be denied as moot.

It is therefore **RECOMMENDED** that plaintiff's motion (Doc. 32) be **DENIED as moot.**

Date: 6/4/2021


Karen L. Litkovitz
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation within FOURTEEN (14) DAYS after being served with a copy thereof. This period may be extended further by the Court on timely motion by either side for an extension of time. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections WITHIN 14 DAYS after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).